

ORIGINAL

21

PUBLIC HEARING

DEPARTMENT OF THE NAVY
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE CONTAINER SYSTEM FOR THE MANAGEMENT OF
NAVAL SPENT NUCLEAR FUEL
AT BOISE, IDAHO
JUNE 5, 1996

MODERATOR: Lieutenant Timothy Sullivan, USN
SPEAKERS: Mr. Elmer Naples
Mr. William Knoll

REPORTED BY:

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112

1 2:40.

2 (Whereupon, a recess was taken from
3 2:30 p.m. to 2:50 p.m.)

4 LT. SULLIVAN: Ladies and gentlemen, we
5 would like to reconvene at this time. We've
6 reached the formal comment period. Nobody has
7 signed up to register to speak, but is there
8 anyone who does wish to speak at this time?

9 (No response.)

10 We've heard there's going to be a
11 speaker at about 4:00 today, at least one. So,
12 what we're going to do is we're going to recess
13 now and we're going to meet again at 3:50 and go
14 back on the record again and wait and see if the
15 speaker shows up. So, right now we're in
16 recess.

17 (Whereupon, a recess was taken from
18 2:51 p.m. to 3:53 p.m.)

19 LT. SULLIVAN: Ladies and gentlemen if
20 we could, we would like to reconvene at this
21 time. We're pleased to have with us the
22 Honorable Philip Batt, the Governor of the State
23 of Idaho. Mr. Batt is going to make a comment
24 during our formal comment period this afternoon.

25 GOVERNOR BATT: Well, Lieutenant

1 Sullivan and distinguished visitors, we're very
2 happy that you chose to have these hearings. We
3 believe they are very valuable.

4 As Governor of the State, I want you to
5 know that I appreciate the Navy's effort in
6 holding this hearing here in Boise today. I
7 extend my sincere gratitude for the effort you
8 have made, both in preparing this document and
9 traveling throughout the state to hold public
10 hearings.

11 Two days ago you held a similar hearing
12 in Fort Hall, Idaho, on the Sho-Ban Indian
13 Reservation. I appreciate that effort to listen
14 to the concerns of those important citizens. In
15 a few more days you'll travel to Salt Lake City
16 to hold another hearing.

17 Undoubtedly, one of the main reasons
18 you are holding these hearings is directly due to
19 the settlement agreement I reached with the U. S.
20 Navy and other federal officials last year.

21 Until that agreement was reached, there
22 was no plan to ship spent Navy fuel out of
23 Idaho. Now, quoting from the settlement
24 agreement, "the naval spent fuel stored at INEL
25 on the date of the opening of a permanent

1 repository or interim storage facility shall be
2 among the early shipments of spent fuel to the
3 first permanent or interim repository."

4 To help facilitate the shipment of the
5 Navy's fuel out of Idaho, the agreement further
6 requires that the U. S. Department of Energy,
7 DOE, and the Navy shall employ multi-purpose
8 canisters, or MPC's, or comparable systems to
9 prepare spent fuel located at INEL for shipment
10 and ultimate disposal of such fuel outside
11 Idaho.

12 In order to determine what kind of
13 canisters should be used to get spent nuclear
14 fuel out of Idaho, the Navy must prepare an
15 Environmental Impact Statement. Part of that EIS
16 process requires the soliciting of comments from
17 the public. And that's why we're here today.

18 I am hopeful that those shipments out
19 of Idaho will begin well before the 2010 date
20 outlined in the EIS. Indeed, the Navy should be
21 looking at a deadline closer to the year 2000.

22 I say this because there is legislation
23 currently before Congress that would open an
24 interim repository for spent nuclear fuel by
25 1999. That legislation allows enough room at the

1 interim facility to accommodate all of the Navy
2 fuel now in Idaho. And as I've noted, the
3 settlement agreement requires Navy fuel to be
4 among the first spent fuel to enter such a
5 repository.

6 Therefore, I urge the Navy to quickly C
7 move in selecting a canister system. By so
8 doing, the Navy will be able to meet its
9 agreement obligation to get its spent nuclear
10 fuel road-ready to ship out of Idaho as soon as
11 the interim or permanent repository opens.

12 That is why this hearing today in Boise
13 is so important. This hearing is another step in
14 the right direction for my state, an important
15 first step to get nuclear waste out of Idaho.

16 I believe that the hearing here today
17 is a clear indication of the tremendous value of
18 the agreement I reached last year. This hearing
19 is also a clear indication of the federal
20 government's commitment to live up to its legally
21 binding obligations to get spent nuclear fuel out
22 of Idaho.

23 I must say that it is encouraging to
24 see the Navy making progress to meet the terms of
25 the agreement that we worked so hard to solidify

1 last year.

2 Frankly, the only reason Idaho was able
3 to reach such an agreement was due to the federal
4 government's effort to accommodate the needs of
5 the U. S. Navy. The Navy has always needed
6 Idaho. And Idaho needed the Navy to get an
7 agreement.

8 Unfortunately, as many of you in the
9 Navy are aware, there are those who are trying to
10 undo the agreement by getting the "Stop the
11 Shipments" initiative on the ballot in Idaho.

12 Those signature gatherers, who I've
13 been told are being paid a handsome sum, have
14 failed to appreciate the difficult situation the
15 state faced. Federal courts have consistently
16 ruled that states and localities can't stop the
17 shipment of radioactive materials. That's on the
18 record.

19 Indeed, in his legal opinion on the
20 "Stop the Shipments" initiative, Idaho Attorney
21 General Al Lance noted that federal courts have
22 uniformly interpreted federal statutes and the
23 U. S. Constitution as preventing state
24 legislatures or citizens' initiatives from
25 enacting legislation to prohibit the shipment of

1 radioactive waste into a particular state.
2 Therefore, he concluded that the initiative is
3 very likely to be ruled unconstitutional if it
4 passes.

5 Given that reality, it is no wonder
6 that the settlement agreement between Idaho and
7 the federal government is the envy of other
8 states. Not only does the agreement reduce the
9 number of spent nuclear fuel shipments into
10 Idaho, but it also specifies specific dates by
11 which the waste must leave. And these are only
12 two of the major highlights of the agreement.

13 Other important achievements include
14 the legally binding commitments that the federal
15 government will accelerate cleanup of radioactive
16 wastes already at INEL, in some cases by as much
17 as 40 years ahead of previously established
18 targets.

19 Transuranic waste must begin leaving in
20 the next three years, starting April 31, 1999.
21 And no commercial spent nuclear fuel will ever
22 again be brought into Idaho for storage.

23 And despite what the critics say, there
24 are teeth in this agreement. If INEL does not
25 clean up as established in the agreement, U. S.

1 Department of Energy shipments into Idaho will
2 cease. If the U. S. Navy fails to meet its
3 commitments, the Navy shipments into Idaho will
4 stop. And if spent nuclear fuel is not removed
5 from our state on schedule, the agreement allows
6 for fines up to about \$22,000,000 a year.

7 In addition, the Court can award
8 additional financial damages to the state and
9 even request that federal officials be thrown
10 into jail for their failure to comply with the
11 terms of the agreement.

12 With all of these facts, I must
13 reiterate that the people who are gathering
14 signatures to stop the shipments are in my
15 opinion completely misguided in their efforts.

16 If the initiative passes, and in the
17 unlikely event that the Court would allow the
18 initiative to stand, the agreement I reached will
19 then come before a vote of the citizens.

20 If the citizens overturn the agreement,
21 Idaho would have no ability to limit any
22 shipments or stop any waste from coming into this
23 state. There will be no legal requirement to
24 remove spent naval fuel from Idaho. There will
25 be no legal requirement for any waste to leave.

1 In the end, the so-called effort to "Stop the
2 Shipments" will mean, quote, "increase the
3 shipments and Idaho keeps the nuclear waste."
4 That would truly be a sad day for Idaho.

5 That, in essence, is again why this
6 hearing today is so important. I hope the
7 citizens of Idaho take note of this hearing.
8 Again, this hearing is a clear indication of the
9 federal government's commitment to remove nuclear
10 waste from Idaho.

11 Now, when it comes to the containers
12 that are being considered, I understand that the
13 Navy is evaluating six container alternatives in
14 the Environmental Impact Statement. Of those
15 six, only four meet the stated objective outlined
16 in the executive summary of EIS calling for, to
17 quote, "a container system which allows naval
18 spent nuclear fuel to be loaded and stored dry at
19 the INEL in the same container that would be used
20 to ship the naval spent nuclear fuel outside the
21 State of Idaho could be advantageous in meeting
22 the Navy's current and future needs."

23 Of the six canisters under
24 consideration, the four that meet the objective
25 of the executive summary are: No. 1, the multi-

1 purpose canister, MPC; No. 2, the dual-purpose
2 canister; No. 3, the transportable storage cask;
3 and No. 4, the small multi-purpose canister
4 alternative.

5 It is my understanding that of those
6 four, the preliminary economic estimates indicate
7 that no single container is a clear cost leader.
8 It is also my understanding that the minimal
9 radiation exposure from each of the casks are
10 essentially the same.

11 That being the case, I suggest that the
12 Navy choose a container system that will
13 accommodate the Navy's needs while minimizing the
14 total number of shipments required to move all
15 Navy spent fuel from Idaho. Such a decision
16 would eliminate at least the small multi-purpose
17 canister.

18 The State of Idaho will have more to
19 say about this Environmental Impact Statement. I
20 have directed the State's INEL Oversight Program
21 to evaluate the document in detail. They will
22 provide a technical review as well as a check on
23 the adequacy from a NEPA perspective.

24 As you can tell from testimony, it is
25 important to Idaho that this document be prepared

1 properly so that the Navy can proceed
2 expeditiously to carry out its end of the
3 settlement agreement to remove its fuel from
4 Idaho.

5 Thanks once again for holding this
6 hearing. I hope the citizens will take note of
7 it and I hope you will take note of my concerns.
8 Thank you, sir.

9 LT. SULLIVAN: Thank you, Governor
10 Batt.

11 Ladies and gentlemen, I have no further
12 registrants. Is there anyone else who would like
13 to make a comment during the formal comment
14 period?

15 (No response.)

16 On behalf of the United States Navy, I
17 want to thank Governor Batt for his hospitality
18 in Boise. And I would also like to thank you for
19 taking the time to participate in this hearing.
20 We appreciate the opportunity to hear your
21 comments and we will work to make sure that they
22 are all addressed in the final EIS.

23 Thank you. This meeting is adjourned.
24 (Whereupon, the hearing was
25 adjourned at 4:05 p.m.)

Commenter: Philip Batt - Governor of Idaho

Response to Comment:

- A.&E. In Chapter 3, Section 3.8, Comparison of Alternatives, the EIS states that the impacts for most categories are small or nonexistent for all alternatives. Since 1957, the Navy has safely shipped over 660 containers of spent nuclear fuel from the shipyards and prototype sites to the Naval Reactors Facility. All of the shipments were made safely by rail and without release of radioactivity. Since any container alternative selected for use must meet the requirements of 10 CFR Part 71, Packaging and Transportation of Radioactive Material, and 10 CFR Part 72, Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Waste, the Navy expects the reliable use of other containers can also be accomplished.
- B.&C. The Navy has taken steps including the process of selecting an appropriate container system as described in this EIS, to ensure that naval spent nuclear fuel is among the early shipments of spent fuel to the first repository or interim storage facility. In addition to evaluating container systems, this EIS covers modifications to facilities to support loading naval spent nuclear fuel into containers suitable for dry storage and the location and construction of dry storage facilities at Idaho National Engineering Laboratory.
- D. National Environmental Policy Act regulations (40 CFR 1502.4) require that a reasonable range of alternatives, including the alternative of no action be included. As defined in the EIS, the No-Action Alternative is based on using existing technology to handle, store, and subsequently transport naval spent nuclear fuel to a repository or centralized interim storage site. All of the alternatives evaluated are suitable for use as a container system for naval spent nuclear fuel. The Navy's preferred alternative is the dual-purpose canister system, which is one of the alternatives that the State of Idaho supports.
- E. See the response to Comment A above.